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Title 22@ Social Security

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Division 6@ Licensing of Community Care Facilities

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Chapter 2@ Social Rehabilitation Facilities

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Subchapter 1@ Basic Requirements

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Article 6@ Continuing Requirements

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Section 81072@ Personal Rights

## **81072 Personal Rights**

### **(a)**

Each client shall have personal rights which include, but are not limited to, the following: (1) To be accorded dignity in his/her personal relationships with staff and other persons. (2) To be accorded safe, healthful and comfortable accommodations, furnishings and equipment to meet his/her needs. (3) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature, including but not limited to: interference with the daily living functions, including eating, sleeping, or toileting; or withholding of shelter, clothing, medication or aids to physical functioning. (4) To be informed, and to have his/her authorized representative, if any, informed, by the licensee of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency, and of information regarding confidentiality. (5) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice. (A) Attendance at religious services, in or outside of the facility, shall be on a completely voluntary basis. (6) To leave or depart the facility at any time. (A) The licensee shall not be prohibited by this provision from setting curfews or other house rules for the protection of clients. (B) This provision may not apply to clients for whom a guardian, conservator, or other legal authority has been appointed. (7)

Not to be locked in any room, building, or facility premises by day or night. (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of clients provided the clients are able to exit the facility. (B) The licensee shall be permitted to utilize means other than those specified in 81072(a)(7)(A) above for securing exterior doors and windows only with the prior approval of the licensing agency. (8) Not to be placed in any restraining device. Postural supports may be used under the following conditions. (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties, used to achieve proper body position and balance, to improve a client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client from falling out of bed, a chair, etc. 1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports. (B) A written order from the client's physician indicating the need for the postural support shall be maintained in the client's record. The licensing agency shall be authorized to require additional documentation if needed to verify the order. (C) Postural supports shall be fastened or tied in a manner that permits quick release by the client. (D) Prior to the use of postural supports that cause the client to become non-ambulatory, the licensee shall ensure that a fire clearance, as required by Section 81020, has been secured. (E) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a client's hands or feet. 1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed. Bed rails that extend the entire length of the bed are prohibited except for clients who are currently receiving hospice care and have a hospice care plan that specifies the need for full bed rail.

(F) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below.

1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code section 4646, and the written consent of the authorized representative, in order to evaluate the request.
2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.

(9) To receive or reject medical care, or health-related services, except for clients for whom a guardian, conservator, or other legal authority has been appointed.

(10) To be informed of the facility's policy concerning family visits and other communication with clients, as specified in Health and Safety Code section 1512.

(11) To visit the facility with his/her relatives, mental health professional or authorized representative prior to admission.

(12) To have the facility inform his/her relative, mental health professional, or authorized representative, if any, of activities related to his/her care and supervision, including but not limited to notification of any modifications to the needs and services plan.

(A) This may only be done with prior written permission from the client.

(13) To have communications to the facility from his/her relatives, mental health professional, or authorized representative answered promptly and completely.

(14) To have visitors, including advocacy representatives, visit privately during waking hours, provided that such visitations do not infringe upon the rights of other clients.

(15) To wear his/her own clothes.

(16) To possess and

use his/her own personal items, including his/her own toilet articles. (17) To possess and control his/her own cash resources. (18) To have access to individual storage space for his/her private use. (19) To have access to telephones in order to make and receive confidential calls, provided that such calls do not infringe upon the rights of other clients and do not restrict availability of the telephone during emergencies.(A) The licensee shall be permitted to require reimbursement from the client or his/her authorized representative for long distance calls. (B) The licensee shall be permitted to prohibit the making of long distance calls upon documentation that requested reimbursement for previous calls has not been received. (20) To mail and receive unopened correspondence. (21) To receive assistance in exercising the right to vote. (22) To move from the facility.

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To be accorded safe, healthful and comfortable accommodations, furnishings and equipment to meet his/her needs.

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To be informed, and to have his/her authorized representative, if any, informed, by the licensee of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency,

and of information regarding confidentiality.

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Not to be locked in any room, building, or facility premises by day or night. (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of clients provided the clients are able to exit the facility. (B) The licensee shall be permitted to utilize means other than those specified in 81072(a)(7)(A) above for securing exterior doors and windows only with the prior approval of the licensing agency.

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Not to be placed in any restraining device. Postural supports may be used under the following conditions. (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties, used to achieve proper body position and balance, to improve a client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client from falling out of bed, a chair, etc. 1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports. (B) A written order from the client's physician indicating the need for the postural support shall be maintained in the client's record. The licensing agency shall be authorized to require additional documentation if needed to verify the order. (C) Postural supports shall be fastened or tied in a manner that permits quick release by the client. (D) Prior to the use of postural supports that cause the client to become non-ambulatory, the licensee shall ensure that a fire clearance, as required by Section 81020, has been secured. (E) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a client's hands or feet. 1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed. Bed rails that extend the entire length of the

bed are prohibited except for clients who are currently receiving hospice care and have a hospice care plan that specifies the need for full bed rail. (F) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below. 1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code section 4646, and the written consent of the authorized representative, in order to evaluate the request. 2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.

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additional documentation if needed to verify the order.

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To possess and use his/her own personal items, including his/her own toilet articles.

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To possess and control his/her own cash resources.

**(18)**

To have access to individual storage space for his/her private use.

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To have access to telephones in order to make and receive confidential calls, provided that such calls do not infringe upon the rights of other clients and do not restrict availability of the telephone during emergencies.(A) The licensee shall be permitted to require reimbursement from the client or his/her authorized representative for long distance calls. (B) The licensee shall be permitted to prohibit the making of long distance calls upon documentation that requested reimbursement for previous calls has not been received.

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The licensee shall be permitted to require reimbursement from the client or his/her authorized

representative for long distance calls.

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The licensee shall be permitted to prohibit the making of long distance calls upon documentation that requested reimbursement for previous calls has not been received.

**(20)**

To mail and receive unopened correspondence.

**(21)**

To receive assistance in exercising the right to vote.

**(22)**

To move from the facility.

**(b)**

At admission, a client and the client's authorized representative shall be personally advised of and given a list of the rights specified in Section 81072(a)(1) through (22).

**(c)**

The information specified in Section 81072(b) above including the visiting policy as stated in the admissions agreement shall be prominently posted in areas accessible to clients and their visitors.

**(d)**

The licensee shall ensure that each client is accorded the personal rights as specified in this section.